

BEFORE THE INVESTIGATIVE PANEL OF
THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A JUDGE:

#00-261

REPORT AND RECOMMENDATION

This matter is before the Investigative Panel of the Florida Judicial Qualifications Commission pursuant to Rule 6(j), FJQC, upon the factual stipulation of the parties, the investigation of the JQC, and the waiver of further hearings by the respondent.

In making its findings, the investigative panel accepts the stipulation of the parties. The Commission renders its recommendation on those facts and the following analysis:

1. Since the date of the "break-in", Judge Bonanno's actions have been widely reported in the press and rightfully so. Judge Bonanno is a public official, and he is required to adhere to high standards of conduct, to promote public confidence in the integrity and impartiality of the judiciary.

2. In determining whether the judge has conducted himself in a manner which erodes public confidence in the judiciary, the Commission must consider the act or wrong itself, and not the resulting adverse publicity. In re Lamotte, 341 So. 2d 513, 518 (Fla. 1977). Lawyers are disbarred only where they commit extreme violations involving moral turpitude, corruption, defalcations, theft, larceny or other serious reprehensible offenses. Judge are

held to even stricter ethical standards because more is expected of them. However, Judges are not subjected to the extreme discipline of removal from office except in instances where it is free from doubt that they intentionally committed serious and grievous wrongs of a clearly unredeeming nature. Id. at 517; See e.g. Inquiry Concerning a Judge (Matthew McMillan), 26 Fla L. Wkly S533b (Fla. 2001) (multiple incidents of false and misleading statements, during campaign for judicial office, coupled with presiding over case in which he was complaining witness and lying to commission); In re Shea, 759 So. 2d 631 (Fla. 2000) (multiple incidents of misconduct, including extorting lawyers for personal pecuniary benefit); In re Ford-Kaus, 730 So. 2d 269 (Fla. 1999) (a pattern of deception incompatible with public office); In re Johnson, 692 So. 2d 168 (Fla. 1997) (falsifying court records); In re Garrett, 613 So. 2d 463 (Fla. 1993) (knowing act of theft).

3. Based upon the stipulated facts and those facts which can be proved by clear and convincing evidence, Judge Bonanno's conduct does not fall into this category. Judge Bonanno's entry into Judge Holder's office was not illegal. Nor does the Commission wish to dissuade judges from attempting to work together, in a process of conciliation to iron out differences. Judge Bonanno's misstep was his failure to recognize the light in which an after-hours visit to the chambers of a judge with whom he was in open dispute might be construed, his failure to leave immediately when he found the

chambers empty, and his failure to respond to Ms. Gay immediately, which made the situation appear much worse than the evidence indicates.

In sum, Judge Bonanno is guilty of a serious lapse in judgment, for which a public appearance reprimand is sufficient punishment.

WHEREFORE, The Commission, by clear and convincing evidence finds that Judge Bonanno has violated the canons of ethics, but that a public appearance reprimand is sufficient punishment.

Respectfully submitted,

By: _____
The Hon. James R. Wolf, Chairman
Florida Judicial Qualifications
Commission
1110 Thomasville Road
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via U.S. Mail/hand-delivery this ____ day of September, 2001 to:

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